

14 November 2017

Project Manager
Waste Reform Project
Department of Water and Environmental Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850

Dear Project Manager,

RE: WASTE REFORM SUBMISSION

At the Special Meeting of the Southern Metropolitan Regional Council (SMRC) held on 9 October 2017 the following was resolved.

COUNCIL RESOLUTION
17.10-01

MOVED: CR ALLEN

SECONDED: CR COOPER

- 1. THE REGIONAL COUNCIL ENDORSE THE ATTACHED SUBMISSION TO THE WASTE REFORM PROJECT DISCUSSION PAPER.**

**CARRIED 4/0
BY ABSOLUTE MAJORITY**

If you require further information regarding this submission, please contact the undersigned on 08 9329 2700.

Yours sincerely



Tim Youe
CHIEF EXECUTIVE OFFICER

SMRC WASTE REFORM PROJECT SUBMISSION

ABOUT THE SOUTHERN METROPOLITAN REGIONAL COUNCIL

Enabling Legislation

Southern Metropolitan Regional Council (SMRC) is a statutory local government authority representing local governments in the southern metropolitan area of Perth and became a regional local government on 30 October 1991, pursuant to the Local Government Act 1960.

By virtue of the transitional provisions of the Local Government Act 1995, it is constituted as a regional local government under that Act. On 22 April 1998, the constitution was replaced by an Establishment Agreement made between the participants and approved by the Minister for Local Government.

A regional local government has the same general function of a local government, including its legislative and executive functions, except as stated in section 3.66 of the Local Government Act 1995.

Regional Resource Recovery Centre (RRRC) Project

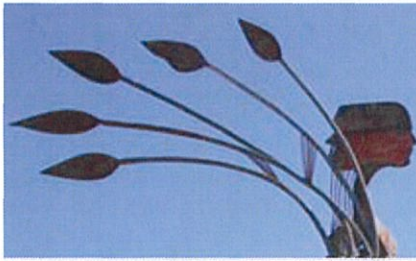
SMRC 's purpose is to deliver innovative and sustainable waste management solutions for the member local governments; City of Cockburn, Town of East Fremantle, City of Fremantle, City of Kwinana and City of Melville.

Resource recovery is one of three strategic focus areas of SMRC, with minimising waste to landfill and greenhouse gas abatement a key priority. At the centre of SMRC's current resource recovery operations is the \$100 million Regional Resource Recovery Centre (RRRC) Project in Canning Vale.

SMRC owns and operates the RRRC on behalf the Project Participants with the infrastructure financed by City of Fremantle, Melville and Town of East Fremantle and the parties bound by a Project Participants Agreement.

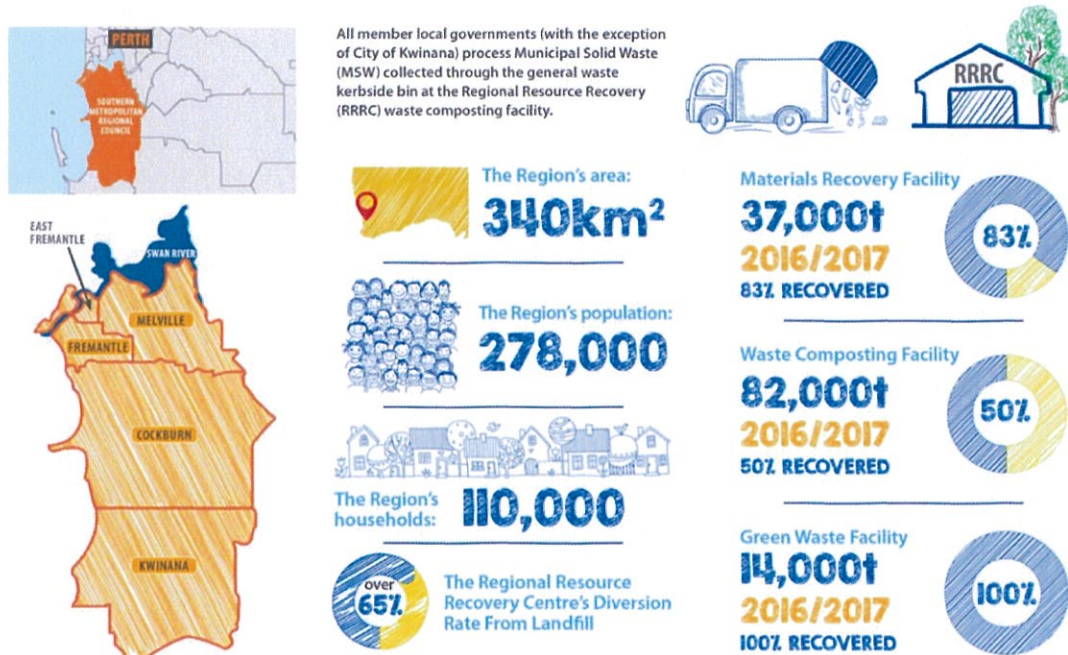
The RRRC is made up of 3 resource recovery facilities:

1. A Materials Recovery Facility (MRF) for the sorting of comingled recyclables and recovery of paper, plastics, glass and metals (from kerbside yellow top bin);
2. A Waste Composting Facility (WCF) for composting MSW (from kerbside collected MGB's and commercial, source separated food and garden organics); and
3. A Green Waste Facility (GWF) (a green waste grinder) for processing source separated green waste into mulch.



The RRRC has been fully operational since 2005 and receives, recycles and processes household and business waste from member councils, outer metro councils and commercial waste generators. The City of Cockburn use the WCF under a commercial contract but send their recyclables to another facility. The City of Kwinana utilise the MRF for recyclables processing but send their MSW to landfill. Across all three facilities, the RRRC recovers over 65% of the waste it receives.

The SMRC has achieved the Western Australian State Government's Waste Strategy target of 65% diversion from landfill by 2020 for five consecutive years and leads the way in local government landfill diversion.



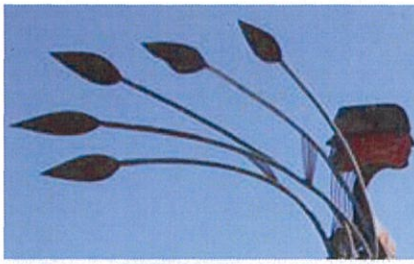
1 PURPOSE

This submission has been prepared in response to the consultation paper titled Waste Reform Project and dated July 2017 released by Department of Water and Environment Regulation.

The notification that the documents were open for comment occurred on 25 August 2017 and the consultation period extends until 16 November 2017.

2 BACKGROUND

The SMRC delivers innovative and sustainable waste management solutions for the benefit of our communities and the environment. The SMRC operates the Regional Resource Recovery Centre (RRRC) in Canning Vale treating and municipal waste streams to produce:



- compost;
- mulched green waste; and
- dry recyclables.

The SMRC has embraced the waste hierarchy and is committed to recovering valuable resources with the primary focus being the municipal waste stream generated within the boundaries of the local governments that comprise the SMRC.

Introduction

The SMRC existed in 1996 when waste premises including landfills were initially subjected to licensing under the Environmental Protection Act and although operation of the RRRC facility did not commence until 2002, the SMRC was closely involved in discussions with the State Government prior to the introduction of the Landfill Levy.

The Landfill Levy was first introduced in Western Australian in 1998, through the Environmental Protection (Landfill) Levy Act 1998. In the Second Reading Speech of the Environmental Protection (Landfill) Levy Act 1998, it was outlined that money raised through the Levy was only to be used to fund programs approved by the Minister relating to the management, reduction, re-use, recycling, monitoring or measurement of waste and administering the Fund.

It was stated the Levy was not to be used to fund ongoing operations of the then Department of Environmental Protection. After an extensive debate, Local Government supported of the introduction of the levy on the understanding that funds generated would only be used within the bounds of these specified restrictions.

The Levy was initially set at \$3 per tonne for putrescible waste and \$1 per cubic metre for inert wastes and all collected money was hypothecated for use in encouraging recycling. It was understood that this hypothecation was required in order to prevent the application of the levy being regarded as an unconstitutional State Tax.

At the time of its introduction, it was clear that the purpose of the levy was to encourage diversion of waste from conventional landfill and to encourage recycling and re-use of waste as an alternative through programs funded from the revenue raised by the levy.

Subsequently the application of the levy has changed markedly in that:

- The quantum of the levy has increased by more than 20 fold for municipal solid waste and 90 fold for construction and demolition waste;
- The hypothecation of the finds has been largely been abandoned with 75% of the waste levy now going to consolidated revenue; and



- Due to policy changes, regulatory actions, legal actions and judicial decisions, it appears that the levy potentially can now apply to a range of activities and material streams to which it was almost certainly never intended to apply. This is causing great uncertainty for a range of industries and potentially putting individuals, companies and local governments at substantial financial and legal risk.

Notwithstanding these changes, it appears that the stated objective behind the introduction of the levy has not been achieved to the extent that would be expected given the increase in the landfill levy. The report titled Recycling Activity in Western Australia 2015-2016 produced for the Waste Authority WA contained the following table.

TABLE 1: Diversion Rates by sector, 2010-11 to 2015-16

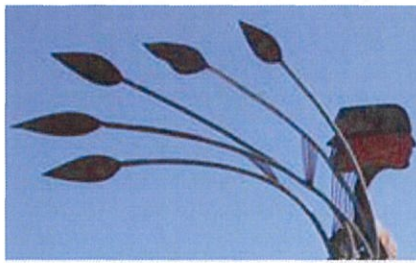
Sector	Waste Strategy Targets		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
	2015	2020						
MSW (Perth metropolitan Region)	50%	65%	39%	39%	45%	41%	40%	36%
C&I (WA)	55%	70%	28%	41%	45%	45%	52%	56%
C&D (WA)	60%	75%	31%	38%	39%	38%	42%	57%

This report suggested that the figure for C&D waste were perhaps optimistic because of substantial stockpiling of unprocessed waste although it also known that substantial stockpiles of processed C&D waste exist which would make the stated recycling rates for C&D even more optimistic.

These figures suggest that increases in the levy alone are not necessarily effective in diverting waste from landfill due to a range of factors, such as the need to develop stable markets for products and the difficulty in producing recycled products that meet the necessary specifications for re-use.

A further issue with the increase in the levy is that in addition to acting as a disincentive for landfilling of waste it has a range of other less desirable effects such as:

1. Providing an incentive for illegal or improper disposal of waste;
2. Providing an incentive to transport waste beyond the metropolitan boundary to potentially avoid the landfill levy;



3. Increasing the cost of some goods and services in WA due to the impost of increasing waste costs on industry without the opportunity for them to invest in infrastructure that will allow waste to be effectively avoided, recycled or re-used;
4. Acting as a barrier to the clean-up of contaminated land due to the very high cost of landfill. In reality, there are many contaminated sites where landfill disposal is the only alternative;
5. Inflating the cost of waste recycling services in two ways:
 - a) Firstly, no recycling operation is perfect and inevitably there are residual waste streams that still need to go to landfill; and
 - b) Secondly recycling operations will tend to set their prices at just below price of landfill if that is the only alternative.

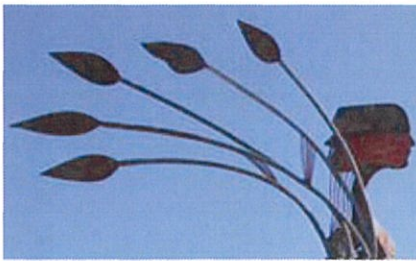
These negative impacts are seldom considered when discussing the levy and proposals to increase it.

The cost structures for the SMRC are impacted by item 5 a) above as there is currently simply no option except to landfill residual waste streams produced at the RRRC. Increasing costs for disposal of residual process wastes from recycling activities increases the overall cost of the operation and reflects in increased gate fees and therefore waste rates charged to ratepayers by member Councils.

This in turn makes it difficult to compete with landfill pricing, although increasing the levy does act as an incentive to invest in alternate waste processing technologies approaches but not if these alternate technologies and their outputs also become subject to the waste levy. The SMRC has capacity to process and divert more waste from landfill but other councils and state government entities are reluctant to take up this capacity because landfill is a cheaper overall option.

The conclusion to be drawn from these general remarks is that the landfill levy is not the only tool to be used in encouraging recycling and re-use of waste in preference to landfill and that the legislative and policy framework surrounding the application of the levy needs to be developed in a more sophisticated and integrated manner if the Government wishes to meet its waste management objectives while maintaining a healthy economy.

A further key issue that must be addressed in any reforms associated with the application and the use of the levy is the definition of waste in the context of the levy. The recent series of court cases involving Eclipse Resources raised many issues regarding the definitions of waste, landfill, burial and the connection between filling and environmental discharges, and these remain unresolved.



3 SUMMARY OF KEY RECOMMENDATIONS

Recommendation 1

The SMRC recommends that any proposal for waste reform should commence with presenting an overview of the waste management industry and the philosophical underpinnings on which waste legislation is based and not commence with the assumption that the current approach to waste management and administration of the levy is the correct one.

Recommendation 2

The SMRC recommends that an independent group of experienced persons should be established to investigate the key issues requiring reform in the waste management industry and provide advice to Government on changes to waste management legislation and policy including the levy. This group should include representatives from:

DWER and the Waste Authority

- *Local government*
- *The waste industry (Municipal waste, C&I and C&D waste)*
- *The manufacturing industry*
- *The land development industry; and*
- *The mining industry.*

The executive for the group and all costs should be funded by the levy but the group executive should not be drawn from DWER or the Waste Authority as prior experience shows that where this occurs the executive can become a powerful force for the status quo. The group should be chaired by an independent person with broad knowledge of the waste management industry such as former chair of the EPA.

Recommendation 3

When considering the interrelationship between the WARR legislation and the EP Act and Regulations, a broader perspective should be adopted than proposed in the consultation paper. Any review of the EP Act should also address the very broad definitions of environment and waste which contribute to uncertainties in application of the levy. Further, any review of the WARR Legislation, should result in amendments which require consideration of a wider range of issues than simply looking at diversion of waste from landfill and promote recycling with the view to ensuring that the externalities of the levy are more appropriately considered.

Recommendation 4

The SMRC recommends that prior to altering provisions in legislation relating to the application of the levy, there should be extensive and close consultation with affected parties to ensure that any changes can be implemented without affecting the viability of industries involved in bona-fide recycling and re-use of waste derived products.



Recommendation 5

The SMRC recommends that any proposal to extend the scope of the levy to encompass land application of wastes or waste derived products is the subject of careful and extensive discussion with those directly involved in affected industries including those that may be unintentionally captured by the levy to ensure that the beneficial re-use of such materials is not discouraged, prevented or rendered commercially unviable.

4 SPECIFIC COMMENTS ON THE CONSULTATION PAPER

4.1 PURPOSE AND FOCUS OF THE REFORM PAPER

The title of the paper is “Waste Reform Project –proposed approaches for Legislative Reform”, however, it focuses almost exclusively on the waste levy and how to expand its application to encompass a greater range of materials, improve administration of the levy with the apparent purpose of increasing levy revenue collections. As a result, it fails to address a range of other issues that are important in the field of waste management. Even within the narrow topic of the application of the levy, the focus of the paper and therefore the consultation process is very narrow. There is no attempt to discuss any of the following issues which have been central to the discussions and legal disputes in relation to the levy over the last 2-3 years.

These matters include:

- a) The definitions of waste, waste disposal, landfilling re-use, recycling, re-use which go to the core for the application of the levy;
- b) The issue of sequential land use and the application of the levy;
- c) The issues surrounding on whether depositing fill on the ground equates to a burial and discharge to the environment (The paper assumes this is the case and then recommends changes to clarify this as a legal position);
- d) The philosophy and purpose behind the levy;
- e) Where it may be appropriate for exemptions to be issued. For example, where it can be demonstrated that the landfill disposal is the best option for remediation of contaminated land which would allow a piece of land to be returned to higher use. This type of issue highlights the fact that the levy and diversion of waste from landfill are not a purpose in themselves but instead need to be considered in the context of a wider hierarchy of environmental benefits. In some instances, landfill disposal of waste is the best available option after examining the environmental, social and commercial aspects of a particular matter.



- f) The scale of unintended consequences from increases to the levy on both the waste management industry and the wider WA economy and environment;
- g) The quantum of the levy and how the collected funds are applied. This should include considering whether it is appropriate that a portion or all of revenue levy is directed to the Consolidated Revenue Fund. In particular, the proportion of funds that are retained to promote recycling, what programs should be funded and how those funds should be administered.

The following recommendations are offered to address these issues that go to the philosophy behind the levy.

Recommendation 1

The SMRC recommends that any proposal for waste reform should commence with presenting an overview of the waste management industry and the philosophical underpinnings on which waste legislation is based and not commence with the assumption that the current approach to waste management and administration of the levy is the correct one.

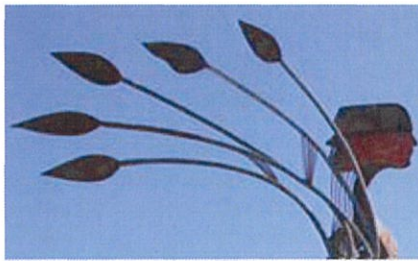
Such considerations were less important when the levy was \$3/tonne and being applied to so 2 million tonnes for waste per year (raising say \$6 million/year) but when it is approaching \$70/tonne and being applied to around 4 million tonnes of waste per year (\$280 million/year revenue) it represents a substantial tax burden on the Western Australian Economy and can significantly influence behaviours in many ways.

Recommendation 2

The SMRC recommends that an independent group of experienced persons should be established to investigate the key issues requiring reform in the waste management industry and provide advice to Government on changes to waste management legislation and policy including the levy. This group should include representatives from:

- *DWER and the Waste Authority*
- *Local government*
- *The waste industry (Municipal waste, C&I and C&D waste)*
- *The manufacturing industry*
- *The land development industry; and*
- *The mining industry.*

The executive for the group and all costs should be funded by the levy but the group executive should not be drawn from DWER or the Waste Authority as prior experience shows that where this occurs the executive can become a powerful force for the status quo. The group should be chaired by an independent person with broad knowledge of the waste management industry such as former chair of the EPA.



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5 MATTERS RAISED IN THE PAPER AND RECOMMENDATIONS OFFERED

5.1 CONTEXTUAL INFORMATION

Much of the paper provides contextual information on the background to the levy in WA and other jurisdictions. No specific comment is offered in this submission on this information except where specific illustrations of difficulties or issues are raised to justify a change. In each case the issue of interest is highlighted, discussed and specific recommendation for action offered.

This section of the paper includes a discussion of the legislative underpinnings of the licensing provisions of the *Environmental Protection Act 1986* (EP Act) and observes that the act does not having linkages to the relative age of the various Waste and Resource Recovery (WARR) legislation. The absence of a linkage is not surprising given the historical timing for introduction of legislation packages. The discussion in this section argues that the EP Act should be amended to explicitly acknowledge the WARR Act and its objectives. Whilst this may be appropriate, it would seem more important for the EP Act to be amended to provide improved definitions of the following terms:

- Environment
- Pollution
- Waste

The general nature of the definitions of these terms under the EP Act contributes to uncertainty and is partly responsible to the current issues experienced in implementing the landfill levy.

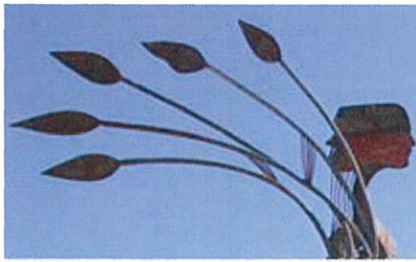
It may also be appropriate to amend the WARR legislation to require decision making under this Act to account for a wider range of environmental and non-environmental factors beyond purely considering increased diversion of waste from landfill.

Recommendation 3

When considering the interrelationship between the WARR legislation and the EP Act and Regulations, a broader perspective should be adopted than proposed in the consultation paper. Any review of the EP Act should also address the very broad definitions of environment and waste which contribute to uncertainties in application of the levy. Further, any review of the WARR Legislation, should result in amendments which require consideration of a wider range of issues than simply looking at diversion of waste from landfill and promote recycling with the view to ensuring that the externalities of the levy are more appropriately considered.

5.1.1 Section 4.2 Key levy Terms

This section of the report discusses the following key terms:



- Accepted for burial (4.2.1)
- Disposal to Landfill (4.2.2)
- Disposal Premises (4.2.3)
- Receiving Waste at Disposal Premises (4.2.4)

The discussion in these sections centres on the fact that the licensing provisions in the EPA Act do not align with the provisions and terms of the WARR act. The paper suggests that the EPA Act should be amended to acknowledge the WARR Act and the operation of the Waste levy. As stated previously, the lack of a linkage is to be expected given the timing of the drafting of the two pieces of legislation.

Whilst there may be some merit in amendments that bring the terminology used in both Acts into greater consistency, it is important to acknowledge that the key purpose of Part V of the EP Act is to regulate activities with a potential to cause pollution in order to ensure that any environmental discharges do not result in unacceptable environmental impacts.

The application of the levy is intended to achieve objectives relating to sustainability. It would be unfortunate if the essential purpose of an EP Act was diminished as a result of changes to improve administration of the levy.

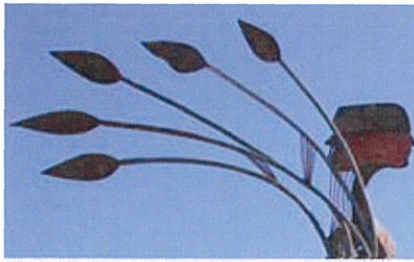
A further issue of concern, is the discussion in section 4.2.1 in relation to the term “accepted for burial”. This section includes the following text:

“Landfill premises under Schedule 1 do not require a licence and the waste is not subject to the waste levy under the WARR Levy Regulations, unless the waste is “accepted for burial” and the waste is covered or buried under topsoil.

At the time waste is received at licensed landfills, it must be known that the waste is being accepted for the purposes of “burial”, with the term “burial” defined as waste covered with previously removed topsoil.”

The concept that burial is defined as “waste covered with previously removed topsoil” is not described anywhere in either the EP Act regulations or the WARR Act regulations. Further, many licensed landfills would not operate in this manner as there is not specific licence requirement to preserve topsoil and in any case topsoil soil is often sourced from received waste as part of normal operations. Many landfills cover waste with clean fill which is subsequently amended to produce a soil with topsoil like properties.

Instead of adopting such an unusual and artificial definition, it is recommended that DWER liaises closely with parties actually operating landfills and working in other industries such as the land development and mining industry which may be captured unintentionally by a poorly formulated definition. This will ensure that any change in the definition of the terms burial, landfills and acceptance of waste can be practically implemented without unintended impacts.



The issues raised in this section in relation to stockpiling, storage of waste are regarded as valid concerns that need to be addressed to ensure both the orderly administration of the levy and also to prevent operators from stockpiling waste for future recycling without paying the levy and then walking away leaving an orphan site to be rehabilitated by Government.

Again, in order to ensure that any changes made in this regard are practical, it is recommended that consultation occurs with the operators of waste management facilities to ensure the way in which the levy is administered does not in fact act as a disincentive to recycling. This can easily occur as the marginal cost of recycling can be significantly higher than landfilling and if recyclers need to pay the cost of the levy and cannot recover the costs for an extended period, then it may render their businesses unviable.

Recommendation 4

The SMRC recommends that prior to altering provisions in legislation relating to the application of the levy, there should be extensive and close consultation with affected parties to ensure that any changes can be implemented without affecting the viability of industries involved in bona-fide recycling and re-use of waste derived products.

5.1.2 Section 4.3 Landfill Waste Classification and Definitions and 4.4 Schedule 1 Categories

These sections suggest that the Scheduled premises list in the EP Act regulations should be amended to rationalise the waste related premises and collapse the various landfills classes into a single classification rather than class 1 -5 (Category 63-67) with consequent amendments to the document titled Landfill Classification and Waste Definitions.

In making any changes in this regard, it needs to be recognised that the Landfill Classifications document provides a well-established and understood mechanism for assessing and classifying wastes and directing them to landfills. It is vital that changes that may be introduced to simplify the administration of the levy do not degrade the utility of this approach for classifying waste.

As with other recommendations, it is strongly recommended that discussions are held with those in the industry who are involved in assessing and directing waste to landfills prior to developing further discussions papers and implementing any change.

5.1.3 3.2.4 Section 5 Cross- Jurisdictional Review

The information in this section is noted and provides some guidance as to possible approaches. No specific comment is offered on the information that is presented other than to point out that it is difficult to compare practices between jurisdictions that may have significantly different legislative bases and waste industry profiles.

5.1.4 3.2.5 Section 6 Discussion of Directions for Reform

This section of the paper discusses the key areas identified for reform and makes recommendations for change with the general thrust of Section 6.1 being to argue for the integration of the objectives of the WARR legislation within the EPA Act and associated regulations.

It also discusses the enhancement of the powers to set conditions in regard to a range of matters such as providing information relating to the creation, collection, storage, handling, transportation, treatment, processing, recovery, recycling, re-use or disposal of waste or to accept only certain classes of waste.

The SMRC notes that section 62A of the EP Act already provides the necessary head powers for making many of the types of conditions outlined in the discussion paper including defining which types of waste can be accepted and collecting and providing information on waste types.

As a result, while having no fundamental objection to the proposed changes, it is important that they do not degrade the ability to regulate the direct impacts of classified premises which is the fundamental intent of Part V of the Environmental Protection Act.

5.1.5 Section 6.2 Waste Levy Framework

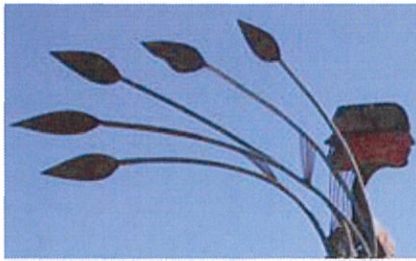
Section 6.2 outlines the specific areas where change is proposed in particular:

- The term Accepted for Burial
- The definition of disposal premises
- The definition of receiving waste
- Waste measurements
- Record keeping and reporting

The general remarks made previously on these issues apply to this discussion. More specific remarks are provided below in response to the recommendations presented in Section 7 of the consultation paper.

5.1.6 Section 6.3 Environmental Protection Framework

This section reiterates the proposal to rationalise and simplify the number of waste related premises categories in the premises list and to collapse the current five landfill categories into a single category. In addition, there is a discussion about extending the landfill category to include:



- premises where waste is applied to land through spraying, spreading or placing waste on land; also
- ploughing, injecting or mixing into land; and
- filling, raising, reclaiming or contouring the land.

This latter proposal seems to be a major extension to the concept of landfill which has always been considered to be reserved for filling land with solid waste where the intent of the operation is final disposal rather than rehabilitation of land. The proposed extension, appears to potentially bring into the umbrella of the levy, activities such as:

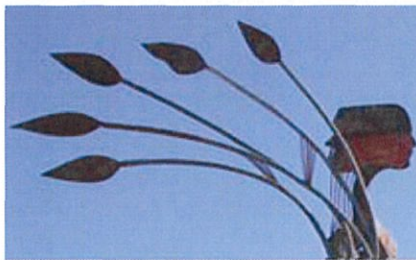
- application of composts and mulches derived from kerbside collected mixed waste and/or source separated waste such as those currently produced by the SMRC;
- irrigated disposal of nutrient and organic carbon containing liquid wastes generated by intensive agriculture which are currently considered a beneficial re-use option;
- land application of biosolids; and
- if an extreme interpretation was applied, as has been seen through the strict legal interpretations of legislation in the recent Eclipse Resources cases, even structures or activities such as tailings dams or rock dumps used throughout the mining industry could be brought within the scope of the levy.

A key concern, given the encouragement from State Government for the adoption of new source segregated bin systems through the Better Bins programme and the additional expenditure this causes to be incurred by local governments in the adoption of Food Organic Green Organics (FOGO) and Green Organics (GO) bin systems, is that such source segregated materials may be treated as wastes and be caught in the levy even when processed to produce useful products for urban amenity land applications.

Any policies or legislation that extend the levy in a way that catches any of the above activities would be a huge deviation from the original intent for the levy and may have significant unintended consequences for the commercial viability of many agricultural and mining industries as well as unintended consequences for better kerbside resource recovery as promoted by state government.

If the intent is to apply the levy to land application of compost, soil amendments, liquid wastes or biosolids and mining wastes such as tailings, this should not be attempted under the cover of classifying these activities as landfilling. The implications of such a change would need careful discussion with affected parties before being contemplated.

As stated previously, the suggestion made that there should be some strengthening of policies and legislative provisions in relation to premises licensed for storing/stockpiling wastes is supported.



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Recommendation 5

The SMRC recommends that any proposal to extend the scope of the levy to encompass land application of wastes or waste derived products is the subject of careful and extensive discussion with those directly involved in affected industries including those that may be unintentionally captured by the levy to ensure that the beneficial re-use of such materials is not discouraged, prevented or rendered commercially unviable.

5.1.7 Section 7 Recommendations

Specific comments are made into each of the recommendations contained in the paper are listed in bold italics beneath the recommendation.

7.1 Longer term recommendations

Strengthen the relationship between the EP Act and the WARR Act to improve the effectiveness of the Waste Strategy and waste levy by amending:

- the objectives in section 4A of the EP Act to incorporate waste avoidance and resource recovery objectives relevant to the WARR Act and the Waste Strategy;

As stated previously no fundamental objection to the proposed change provided the specific environmental protection provisions of the EP Act are not degraded through any change

- Part V Division 3 of the EP Act to ensure that the objects of the WARR Act and objectives in implementing the Waste Strategy are relevant considerations for the CEO to have regard to when granting licences and setting conditions;

As stated previously no fundamental objection provided the specific environmental protection provisions of the EP Act are not degraded through any change

- section 62 of the EP Act to include an additional purpose relating to the objectives of the WARR Act and Waste Strategy for which conditions may be attached to a licence;

As stated previously no fundamental objection to the proposed change provided the specific environmental protection provisions of the EP Act are not degraded through any change. Section 62A already contains extensive powers in relation to setting conditions in licences and Works Approvals and so this change may not be warranted.

- section 62A of the EP Act to include the kinds of waste-related conditions that can be attached to a licence to achieve implementation of the WARR Act and Waste Strategy, particularly in relation to strategic objective 4 and the waste levy; and

See previous comment.



- terms in the WARR Levy Act (“disposal premises” and “receive”) to ensure the effective implementation of the levy and its application to all waste disposed to land.

As stated previously no fundamental objection to the proposed change provided the specific environmental protection provisions of the act are not degraded through any change and the changes improve clarity and do not result in the levy be applied more widely to fill materials that are currently re-used beneficially with no observable adverse environmental impact.

7.2 Shorter-term recommendations

These recommendations would improve implementation of the waste levy and the objectives of the Waste Strategy.

Amend Schedule 1 of the EP Regulations to reform landfill and other waste categories by:

- combining five landfill categories to one, and removing the reference to “accept for burial” and the Landfill waste classification and waste definitions 1996;

Note previous comments regarding ensuring that the current waste and landfill classification system continue to function effectively as these systems are more important than simplifying administration of the levy.

- specifying within the new landfill category that waste disposal to land includes other activities (depositing, spreading, ploughing waste to land); and

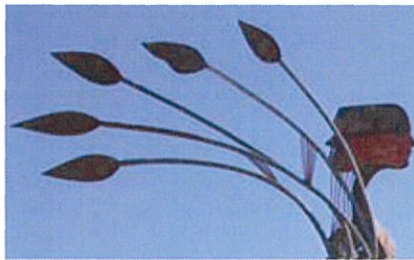
Note previous remarks regarding the danger of excessively widening the application of the levy to activities that are not traditionally accepted as landfilling and which currently are not counted as landfill waste disposal.

- revising licensing descriptions for categories 61A (solid waste facility) and 62 (solid waste depot) to clarify their purpose, and the specific activity to which they apply.

Note previous remarks regarding the danger of excessively widening the application of the levy to activities that are not traditionally accepted as landfilling and which currently are not counted as landfill waste disposal.

- Amend the WARR Levy Regulations to apply the levy to categories 61A and 62 if waste is not lawfully removed from the premises within 12 months.

Supported provided the manner in which this provision is applied takes account of the potential for impacts on cashflow for commercial operations.



- Amend the WARR Levy Regulations and WARR Regulations to require licensed waste premises to follow consistent waste measurement procedures, (including the mandatory use of weighbridges) and introduce additional record and reporting requirements.

Supported provided a threshold limit is applied so that premises which are accepting say less than 10,000 tpa are not subject to a requirement to install weighbridge which may involve \$300,000 in capital expenditure.

- Remove and replace references to “receive” and “disposed of to landfill” from the WARR Regulations and WARR Levy Regulations.

As stated previously no fundamental objection to the proposed change, provided:

- ***The specific environmental protection provisions of the EP Act are not degraded through any change;***
- ***The proposed change does not result in an extension of the application of the levy into activities which currently result in the beneficial use of fill materials without environmental harm***
- ***There is sufficient consultation with relevant industry representatives to ensure that the final changes are practicable***